

F2001337

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Plaintiff(s),  
DUANE BERRY

v.

Case: 2:13-cv-11725  
Judge: Tarnow, Arthur J.  
MJ: Randon, Mark A.  
Filed: 04-17-2013 At 12:43 PM  
CMP Berry v. Usewick (krk)

Defendant(s).  
EDWARD FRANK USEWICK III

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**COMPLAINT for DAMAGES**

I. INTRODUCTION

This is a complaint for injunctive relief by Plaintiff DUANE BERRY for acts under a corrupt organization (Executive Auto Brokers) in connection with and authorized by Defendant EDWARD FRANK USEWICK III.

## II. STATEMENT OF FACTS

1. Edward Usewick (Defendant) , owner of Executive Auto Brokers Used Cars on Dort Hwy in Flint, MI along with four others faced felony racketeering charges for fraud and passing false titles, where Usewick was believed to be the alleged ring leader of the scheme.
2. Genesee County Sheriff Robert Pickell and Prosecutor David Leyton believed Usewick received numerous cars from a leasing company in Massachusetts, but never fully paid for those cars. Then, he and three accomplices sold false titles to unsuspecting customers on those vehicles.
3. On March 13, 2013 at the Federal Bureau of Investigation (FBI) offices in Troy, MI., Usewick (Defendant) in the presence of his attorney Matt Norwood, was interviewed by Assistant United States Attorney Christopher Varner and voluntarily provided information and confessed that (Plaintiff) purchased a 2004 black Lamborghini, VIN #ZHWGU11584LA00934 from Executive Auto Brokers and upon the sale to (Plaintiff), the car remained titled in the name of Executive Auto Brokers.
4. For his review, AUSA Varner provided Usewick (Defendant) copies of bank records for Executive Auto Brokers at Elga Credit Union that reflected an incoming wire transaction of \$138,000.00 that Usewick (Defendant) stated he believed was from( Plaintiff) for the Lamborghini.
5. The vehicle was then purchased by Executive Auto Brokers via Chicago Motor Mall and delivered to (Plaintiff). The car remained titled in Executive Auto Brokers and Usewick(Defendant) attempted to have the title transferred to Plaintiff's dad (Letroy Berry), but for one reason or another could not.(see Government Exhibit 7B)
6. As (Plaintiff) was being evicted from one of his investment residences Usewick (Defendant) received a call from the Bloomfield Hills police department who advised that they were serving an eviction notice and that a Lamborghini was left in the garage.
7. The officer told Usewick(Defendant) since it was titled in his name he would have to take possession of it.
8. Usewick (Defendant) took possession of vehicle, and on May 07, 2008 resold it to Sovereign Purchasing , 730 E. Main, Flushing , MI 48433.(see Government Exhibit 7C)
9. As a result Usewick (Defendant) received and pocketed said funds from such scheme, leaving Plaintiff to incur a loss of \$138,000.00.
10. On March 11, 2013 AUSA Christopher Varner, supplied (Plaintiff) with Official Record file # 329A-DE-104436 from the Federal Bureau of Investigation and Government Exhibit 7B-7C, confirming fore mentioned voluntary information provided by Edward Usewick (Defendant)

## III. STATEMENT OF CLAIM

In violation of 18 USC § 1028 and 18 § 1021- Fraud and related activity in connection with identification documents, authentication features, and information and Title records- Defendant defrauded Plaintiff out of \$138,000.00 USD.

V. RELIEF

Whereby, Plaintiff prays this Honorable Court execute justice on his behalf and make a Declaratory Judgment in the following manner:

- (a.) An order granting Plaintiff Declaratory relief against Defendant with a monetary judgment in the amount of ONE HUNDRED THIRTY EIGHT THOUSAND DOLLARS (\$138,000.00 USD) for compensatory damages for loss of funds.
- (b.) An order granting Plaintiff recovery all costs in this suit.
- (c.) The right to trial by jury.
- (d.) Any other relief deemed "Just" and "Proper" by this Honorable Court.

**I, DUANE BERRY, declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.**

DATE April 15, 2013

DUANE BERRY

38742 BRAMHAM

CLINTON TWP, MI 48038

(248) 841-3346

## CIVIL COVER SHEET

County in which action arose WAYNE

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

DUANE BERRY

(b) County of Residence of First Listed Plaintiff WAYNE  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DUANE BERRY  
38742 BRAMHAM  
CLINTON TWP, MI 48038 (248) 841-3346

## DEFENDANTS

EDWARD FRANK USEWICK III

County of Residence of First Listed Defendant GENESEE

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## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                     | DEF                     |   | PTF                     | DEF                     |
|---|-------------------------|-------------------------|---|-------------------------|-------------------------|
| Citizen of This State                   | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="radio"/> 4 | <input type="radio"/> 4 |
| Citizen of Another State                | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="radio"/> 5 | <input type="radio"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation  | <input type="radio"/> 6 | <input type="radio"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="radio"/> 110 Insurance <input type="radio"/> 120 Marine <input type="radio"/> 130 Miller Act <input type="radio"/> 140 Negotiable Instrument <input type="radio"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="radio"/> 151 Medicare Act <input type="radio"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="radio"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="radio"/> 160 Stockholders' Suits <input type="radio"/> 190 Other Contract <input type="radio"/> 195 Contract Product Liability <input type="radio"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="radio"/> 310 Airplane <input type="radio"/> 315 Airplane Product Liability <input type="radio"/> 320 Assault, Libel & Slander <input type="radio"/> 330 Federal Employers' Liability <input type="radio"/> 340 Marine <input type="radio"/> 345 Marine Product Liability <input type="radio"/> 350 Motor Vehicle <input type="radio"/> 355 Motor Vehicle Product Liability <input type="radio"/> 360 Other Personal Injury <input type="radio"/> 362 Personal Injury - Medical Malpractice	<input type="radio"/> 365 Personal Injury - Product Liability <input type="radio"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="radio"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="radio"/> 370 Other Fraud <input type="radio"/> 371 Truth in Lending <input type="radio"/> 380 Other Personal Property Damage <input type="radio"/> 385 Property Damage Product Liability	<input type="radio"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="radio"/> 690 Other <b>LABOR</b> <input type="radio"/> 710 Fair Labor Standards Act <input type="radio"/> 720 Labor/Management Relations <input type="radio"/> 740 Railway Labor Act <input type="radio"/> 751 Family and Medical Leave Act <input type="radio"/> 790 Other Labor Litigation <input type="radio"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="radio"/> 462 Naturalization Application <input type="radio"/> 465 Other Immigration Actions	<input type="radio"/> 422 Appeal 28 USC 158 <input type="radio"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="radio"/> 820 Copyrights <input type="radio"/> 830 Patent <input type="radio"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="radio"/> 861 HIA (1395ff) <input type="radio"/> 862 Black Lung (923) <input type="radio"/> 863 DIWC/DIWW (405(g)) <input type="radio"/> 864 SSID Title XVI <input type="radio"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="radio"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="radio"/> 871 IRS—Third Party 26 USC 7609	<input type="radio"/> 375 False Claims Act <input type="radio"/> 400 State Reapportionment <input type="radio"/> 410 Antitrust <input type="radio"/> 430 Banks and Banking <input type="radio"/> 450 Commerce <input type="radio"/> 460 Deportation <input type="radio"/> 470 Racketeer Influenced and Corrupt Organizations <input type="radio"/> 480 Consumer Credit <input type="radio"/> 490 Cable/Sat TV <input type="radio"/> 850 Securities/Commodities/Exchange <input type="radio"/> 890 Other Statutory Actions <input type="radio"/> 891 Agricultural Acts <input type="radio"/> 893 Environmental Matters <input type="radio"/> 895 Freedom of Information Act <input type="radio"/> 896 Arbitration <input type="radio"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="radio"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="radio"/> 210 Land Condemnation <input type="radio"/> 220 Foreclosure <input type="radio"/> 230 Rent Lease & Ejectment <input type="radio"/> 240 Torts to Land <input type="radio"/> 245 Tort Product Liability <input type="radio"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="radio"/> 440 Other Civil Rights <input type="radio"/> 441 Voting <input type="radio"/> 442 Employment <input type="radio"/> 443 Housing/Accommodations <input type="radio"/> 445 Amer. w/Disabilities - Employment <input type="radio"/> 446 Amer. w/Disabilities - Other <input type="radio"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="radio"/> 463 Alien Detainee <input type="radio"/> 510 Motions to Vacate Sentence <input type="radio"/> 530 General <input type="radio"/> 535 Death Penalty <b>Other:</b> <input type="radio"/> 540 Mandamus & Other <input type="radio"/> 550 Civil Rights <input type="radio"/> 555 Prison Condition <input type="radio"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:  
Edward Usewick, through illegal and corrupt means, titled and re-sold Plaintiff's vehicle causing Plaintiff to incur a loss of \$138,000.00

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 138,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE APRIL 09, 2013 SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE